GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4975
ANSWERED ON:29.04.2008
BAN ON LOTTERY
Thomas Shri P.C.

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether lottery is banned in India;

(b) if so, the details in this regard;

(c) if not, the protection being given in this regard especially for Inter-State Lotteries;

(d) whether some States have recommended for banning of such lotteries; and

(e) if so, the details thereof, State-wise?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(DR. SHAKEEL AHMED)

(a) & (b): No Sir, though Govt. of India does not organize any lottery of its own, many States organize lottery in their States. The Government of India has promulgated Lottery (Regulation) Act, 1998 in this regard.

(c): The lotteries organized by the State Governments, beside the other provisions of the said Act, are subject to the provisions of section 5 fo Lotteries (Regulation) Act, 1998 for conduct of inter-state lotteries. Under section 5 of the said Act, a State Govt. may, within the State, prohibit the sale of tickets of a lottery organized, conducted or promoted by every other state. However, Hon'ble Supreme Court in the case of M/s B.R. Enterprises Vs. State of U.P. & Ors. has held that under Section 5 of the Lotteries (Regulation) Act, 1998, the State Govt. can prohibit the sale of tickets of the lotteries organized by other State only if it decides not to have any lottery within its territory including its own lottery.

(d): There are some States who have recommended for banning such lotteries. The matter is sub-judice before the Hon'ble Supreme Court.

(e): The State wise details of such cases are as under :

1. Nagaland

Original Suit No. 3 of 2003- State of Nagaland Vs. Union of India.

Govt. of Nagaland has filed Writ Petition challenging Section 5 of the Act which is about prohibiting the sale of tickets of other State in their own State.

2. Arunachal Pradesh

Writ Petition (Civil) No. 474 of 2003- State of Arunachal Pradesh & Ors. Vs. State of Punjab & Ors.

Govt. of Arunachal Pradesh has filed the Writ Petition against the State of Pubjab and Ors.

3. Meghalaya

Special Leave Petition (Civil) No. 9132 of 2004 State of Meghalaya Vs. Union of India & Ors.

Govt. of Meghalaya has filed petition and challenged the validity of various rules of Kerala State Lotteries & Online Lotteries (Regulation) Rules 2003.

4. Kerala

(i) State of Kerala Vs. T. John Rose & others. Special Leave to appeal (c) No. 24325-24326.

Reg. refusal to permit Arunachal Pradesh selling of Lottery Tickets of the State of Arunachal Pradesh in the State of Kerala through T.

John Rose.

(ii) State of Kerala Vs. T.John Rose (Proprietor) & others. SLP(Civil) Nos. 14278/2007, 15222/2007 and 15291/2007.

Reg. Allegation of violation of lotteries (Regulation) Act, 1998 and refusal to accept tax under the Kerala Tax on Paper Lotteries Act, 2005.